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SUBJECT: Kenya Election: Western Province Primaries

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Summary and Introduction

[¶1.](#) (SBU) The U.S. Mission sent 20 observation teams across Kenya to cover the party nomination process on November 16. To a team, our observers reported that all three major parties (ODM, PNU and ODM-K) often failed or refused to supply proper ballots or, often, any ballots at all. Reports of vote buying, rampant disorganization, violence and voter intimidation were common place; so too, however, were stories of an incredibly dedicated and patient electorate who frequently beat a stacked deck to bring down one incumbent MP after another. The snapshot below, from our team covering the southern region of Western Province, is illustrative of what we saw nationwide during Kenya's tumultuous party nominations process. Note that in future, party primaries will be conducted by the Electoral Commission of Kenya (ECK) due to recent political reform legislation. The ECK has a credible record of administering elections. The parties do not. The misadventures reported here are NOT predictive of the ECK-administered general election scheduled for 27 December.

Ballots, Boxes, Trees, and Voters

[¶2.](#) (SBU) An Embassy team spent November 16 in Western Province observing party nomination polling stations in four constituencies: Funyula, Budalangi, Amagoro, and Nambale. At play here and throughout the country were parliamentary and local government candidacies for all three major political parties and many of the minor ones as well (some smaller parties held nomination exercises the day before). The team's observations were one part of the Embassy's country-wide 20 team observation mission and are representative of many of the challenges faced in making political party-administered elections work throughout Kenya. A comprehensive look at the nominations process is being reported septel.

[¶3.](#) (SBU) Polling on November 16 was scheduled to start as early as 6:30 a.m., but most polling stations had no ballot papers or boxes as the day began. Some ballot papers in some polling stations began to arrive by mid-morning, others came in the early afternoon. Some ballot papers for local ward nominations never arrived at all. When ballot papers arrived, the number was often insufficient to accommodate voters. Some polling stations used transparent Tupperware as their balloting

boxes. Others used large, opaque, yellow plastic jugs. The team saw polling stations in schools, churches, and under trees.

¶4. (SBU) The constituencies visited were in areas where the opposition Orange Democratic Movement (ODM) was strong, and the vast majority of polling stations observed were for ODM candidates. (Note: All twenty teams observed in party strongholds precisely because these areas were identified as the most potentially explosive, the nomination winners being virtually guaranteed victory in the general election this December. End note.) Crowds at ODM polling stations were large and peaceful. The team saw a number of polling stations where 100 or more voters waited patiently -- sometimes for hours and hours -- until ballot papers appeared. Many voters' choices were not anonymous, and therefore vulnerable to outside influence. Voters at one polling station were taken aside by the presiding officer and asked who they wanted to vote for. After receiving an answer, the presiding officer would call over the candidate's agent, who would fill out the ballot.

Police: the Good, the Bad & the Ugly

¶5. (SBU) Police were out in force throughout the day. Some, like the administrative police in Amagoro constituency, were proactive and helpful, stopping in polling stations and asking if there were any problems. Others, like those in Budalangi constituency, appeared to be complicit with elements of the local party machinery and favored aspirants, stalling the process and intimidating rival aspirants. One ODM presiding officer

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said that police had disrupted a political rally with tear gas the night before and that the car carrying their ballot papers had just been carjacked at a nearby bridge. The presiding officer said there was no point in notifying police about the carjacking, as they suspected police were involved.

¶6. (SBU) The team later encountered three trucks carrying police at a road intersection at the Budalangi/Funyula border. The officials rapidly dispersed in their vehicles as the team approached to talk. The team later witnessed one of the trucks stop an oncoming car, pull the two occupants out of the vehicle, throw them to the ground, search them and their vehicle, strike them with sticks, and force them to remove their clothes. The Kenyan members of the observation team recognized one of the men as ODM candidate Ababu Namwamba. (Note: Namwamba, a lawyer, was considered the front-running ODM candidate - a threat to incumbent FORD-Kenya MP and Assistant Minister for Water Raphael Wanjala. Namwamba won his primary that day and will face Wanjala at the polls in December. End Note.)

Rigging? The Vice President and the Incumbent

¶7. (SBU) The Party of National Unity (PNU) -- a new coalition of parties supporting President Kibaki -- had trouble holding their alliance together for the nomination process. Vice President Moody Awori received a direct PNU nomination for Funyula constituency only two days ahead of the polls, which surprised fellow PNU member and MP aspirant Chrispinus Wafula Mugwanga, who had intended to run against him. Mugwanga, a FORD-Kenya member, protested the direct nomination with his party headquarters, and said that he will stand as a FORD-Kenya MP candidate in December against Moody, who he said should not be allowed to run under the unified PNU banner.

¶8. (SBU) The only reports of poll-related violence in the team's four constituencies came from Amagoro, where

supporters of ODM MP aspirant Albert Aggrey EKirapa beat supporters of ODM MP incumbent Sospeter Ojaamong at a polling station. According to ODM coordinator Steven Otwana, one of the victims was reported to be critically injured. Otwana said that the EKirapa supporters did not want Ojaamong to be allowed to compete in northern Amagoro, where support for EKirapa was strong.

¶9. (SBU) EKirapa supporters admitted to beating an Ojaamong supporter, but accused Ojaamong of manning polling stations with his supporters, making fake ODM ballot papers, and using his agents to fill in fraudulent ballots for Ojaamong. ODM ballots for Amagoro constituency were not tallied in Amagoro as planned because of the violence. The team learned about the last-minute change from a presiding officer whose polling station voted for Ojaamong by hundreds of votes, and it is likely that northern Amagoro polling stations did not receive the word, as the returning officer's cell phone was turned off. Ojaamong was declared as the primary winner.

The Results: Incumbents Out, Big Races Set for December

¶10. (SBU) Perhaps the biggest story of the primaries was the early defeat of incumbent Members of Parliament (MPs). In Western Province, five of the province's 24 incumbent MPs, including two close allies of ODM Vice Presidential candidate Musalia Mudavadi, lost their primaries.

¶11. (SBU) After his controversial direct nomination, Vice President Awori will face a stiff challenge in the December general elections by the victorious ODM candidate, Dr. Paul Otuoma. Police arrested Otuoma earlier in the week on what many consider trumped-up murder charges. (Note: Otuoma, who is considered the Vice President's strongest potential rival, claimed that the case was an attempt to prevent him from running against the Vice President. End Note.) When Otuoma appeared in court on November 16, he was released on bond and he easily won the ODM nomination later that day.

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¶12. (SBU) Comment: The observation team's most enduring impression was the large crowds of Kenyan voters who waited patiently -- sometimes for hours -- to exercise their right to vote. Despite numerous procedural irregularities and examples of blatant government-sponsored and/or local party machinery-sponsored intimidation, the results speak for themselves: intimidation did not prevent strong candidates from winning, and election officials found innovative, good faith ways to allow polling to proceed in spite of late and insufficient materials. The early defeat of incumbent MPs showed that attempted rigging by incumbents was not entirely successful and the victory of strong opposition candidates in key districts will make for a fierce contest in December.

RANNEBERGER